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RUEKJCS/SECDEF WASHDC IMMEDIATE
RUEHVEN/USMISSION USOSCE IMMEDIATE 2234
RUCNDT/USMISSION USUN NEW YORK IMMEDIATE 1619
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C O N F I D E N T I A L SECTION 01 OF 03 BISHKEK 001705

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SUBJECT: POLITICS REMAIN CONTENTIOUS IN KYRGYZSTAN

REF: BISHKEK 1643

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Classified By: Amb. Marie L. Yovanovitch, Reasons 1.4 (b) and (d).

11. (C) SUMMARY: Three weeks have passed since President Bakiyev and the opposition reached a compromise on a new constitution. The presidential administration continues to translate the document from Russian to Kyrgyz, and we expect that a final version will be published in early December. In the meantime, the political atmosphere remains contentious, as the government and the parliament continue to disagree about the balance of powers under the existing governmental structure and over implementation of the new constitution. President Bakiyev, who has been less than conciliatory toward the opposition, plans to address parliament December 4 to offer a "constructive message" and to urge the parliamentarians to move forward by the end of the year with numerous stalled pieces of legislation, some of which are needed to implement the new constitution. There are signs that the government is also targeting key opposition members for retribution. In addition, deeper splits are emerging in the parliament and even among the members of the opposition themselves. END SUMMARY.

Wasting Time

12. (C) Three weeks have passed since President Bakiyev and the opposition reached a compromise on the text of a new constitution, and a final text has yet to be published as the presidential administration continues its work on a translation from Russian to Kyrgyz. Some contacts have expressed concern that the final Kyrgyz text may not conform to what was agreed November 9. MP Kamchibek Tashiyev, the only parliamentarian to vote against the new constitution, speculated that the presidential administration was making substantive changes before releasing a final text. Others, including State Secretary Madumarov and MP Ishkak Masaliyev, however, do not think an Akayev-era "bait-and-switch" is likely. We are hearing from other interlocutors that the constitution will be published in early December -- largely in the form agreed to on November 9.

13. (C) Some opposition members, including Adilet Legal Clinic's Cholpon Jakupova and Coalition for Democracy and Civil Society's Edil Baisalov have complained that President Bakiyev is taking advantage of the delay in publication to exercise powers that he would no longer have under the new constitution. In the past month, President Bakiyev has continued to make appointments -- the new governor of Chui Oblast, for example -- that the opposition maintains are not within his powers under the new constitution. The Presidential Administration claims, however, that the law which gives this power to the president is in effect until a new law implementing the new constitution is passed.

14. (C) The opposition has continued to call for Prime Minister Kulov to resign, and some opposition MPs have discussed plans to remove the prime minister and remake the government. State Secretary Madumarov, however, told us that the new constitution does not give the parliament the right to nominate a new prime minister and form a new government without the approval of the president -- until the election of a new parliament based on party lists. Madumarov even suggested that until there are new parliamentary elections based on party lists, the current parliament could be considered to be working "illegally."

Dissolving Parliament?

15. (C) There is also rampant speculation that the parliament may be dissolved by spring. MP Tashiyev has called for the parliament to disband itself and move for new elections, but this does not appear to have any support within the parliament. Speaker of Parliament Murat Sultanov said that there was no need to dissolve parliament immediately, as the new constitution enables the president to play the role of

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arbiter and resolve conflicts, if necessary. Others believe that Bakiyev will move to dissolve parliament, although the president cannot do so unilaterally under the new constitution. Prime Minister Kulov told the Ambassador November 30 that he did not think that dissolution of parliament was a likely scenario, but it was a possibility, especially if the parliamentarians do not take action on the many laws pending before them. Deputy Head of the Presidential Administration Medet Sadyrkulov admitted that there were some within the administration who wanted to dissolve the parliament, but he said that they were "in the minority."

Bakiyev on Top?

16. (C) Some government insiders believe that, contrary to popular view, the new constitution actually strengthens the presidency. State Secretary Madumarov asserted that the new constitution changes nothing: the president still has the right to appoint and dismiss ministers, and both internal and external policies remain completely under the President's control. Prime Minister Kulov said that the president was the "big winner." Presidential powers remain the same, and the president still appoints the prime minister. Therefore, under Kyrgyz conditions, "the prime minister will always be that person the president needs," according to Kulov. In addition, Kulov said that Bakiyev would benefit from the increased role given to political parties in parliament under the new constitution. Political parties in today's Kyrgyzstan were weak, he said, but Bakiyev would be able to field the strongest party, and even if his party did not win the majority, if the majority party fails to form a government, he could then ask any party to form a government.

Further Splits?

17. (C) MPs are scrambling to align themselves with parties

and committees that they feel will secure their re-election to parliament under new elections, which some believe could happen in 2007. Speaker Sultanov said that partisanship would not necessarily weaken the parliament's effectiveness as Kyrgyzstan's third branch of power. Sultanov noted that the most powerful bloc in parliament is not the opposition, but the thirty so-called "independent" MPs who can swing either way and were the deciding factor in approving the new constitution. Sultanov, nevertheless, believed that balance within parliament could be achieved, despite pro-opposition and pro-Bakiyev MPs appearing to drift further apart.

18. (C) There have also been signs of further splits among the opposition members, as they squabble over forward strategy. In addition, some in the opposition have claimed that the government is targeting them in retribution for supporting the early-November street protests. For Reforms leader MP Omurbek Babanov told the Ambassador that his bodyguards (MVD-supplied, but he pays for them) had been taken away. Others, including local NGOs, have complained of increased harassment from tax and other officials.

Comment

19. (C) Following the agreement November 9 on a new constitution, the Kyrgyz Government has wasted nearly a month preparing a final text. The government and the parliament have made little or no progress in preparing legislation to conform existing laws to the new constitution -- and they must do so within six months of the constitution coming into effect. The gap between the opposition and the government appears to be widening, and there are further splits emerging among the already fractious members of the opposition. Some in the government are clearly pushing a hard line against the opposition, but it is not clear whether they have Bakiyev's ear. We will be watching closely Bakiyev's address to parliament December 4 for signs of conciliation and compromise -- or for signs that the battle lines are being

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drawn.
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